

Comparison of EPA and DLS LSR Rule Requirements

I. Applicability of requirements

EPA: The EPA LSR Rule applies to Lead Safe Renovation (LSR) work conducted for a fee in pre-1978 target housing and child-occupied facilities where the work involves the disturbance of more than 6 ft² of painted surfaces per room or more than 20 ft² of paint on exteriors (total), except that the quantity exemptions do not apply to any projects involving window replacement or demolition of structures.

DLS: Same as EPA.

II. Firms or entities requiring licensure

EPA: All firms or other entities performing work subject to the Rule require certification as "certified firms."

DLS: Firms or other entities performing work require licensure as "Lead-Safe Renovation Contractors," except that the following entities may apply to DLS for a "Contractor License Waiver":

1. Entities that perform regulated work in facilities that they own, using their own employees.
2. Entities that were certified by EPA (or a state delegated by EPA to administer EPA LSR Rule) prior to July 9, 2010.

DLS also allows Deleading Contractors licensed by 454 CMR 22.00 to perform regulated renovation work without being separately licensed as "Lead-Safe Renovation Contractors." Entities applying for a "Contractor License Waiver" do not have to pay a fee for the waiver but must subsequently comply with all other provisions of 454 CMR 22.00, including the requirement to have the work supervised by a "Lead-Safe Renovator-Supervisor", compliance with work practices (including cleanup), notifications, cleaning verification and recordkeeping.

III. Contractor licensing fee and required documentation

EPA: \$300 for five years. Applicants must submit identifying information, list of professional certifications related to lead-based paint activity and list of previous violations related to lead-based paint activity.

DLS: \$375 for five years. In addition to filling out identifying information on application form, applicant must:

1. Document that a person in a supervisory or management capacity has received the one-day Lead-Safe Renovator-Supervisor ("certified renovator") training.
2. Document that a medical monitoring/respirator protection program is in place (entities with employees only). Program templates are on DLS's website.
3. Submit information related to organization of the business or entity - corporate articles of organization, business certificate, etc., as applicable.
4. Submit lists of current and previous employees.
5. Document workers compensation coverage (entities with employees).
6. Affirm compliance with Massachusetts tax laws, including DOR, and DUA.
7. Submit lists of occupational health and safety-related violations, notices of noncompliance, enforcement actions, etc.

IV. On-site Supervisor Requirement

EPA: EPA requires the supervisor ("certified renovator") to be on site only during certain phases of the work (posting of Warning Signs, establishment of work area containments, during final cleanup and cleaning verification) and available by phone the rest of the time.

DLS: DLS requires the supervisor ("Lead-Safe Renovator Supervisor") to be on site at all times when LSR work is in progress.

V. Training and Certification Requirement for Supervisor

EPA: EPA requires a one-day "certified renovator" course given by an EPA-certified training provider. Possession of the training certificate, which includes a digital image of the trainee, constitutes the certification - persons who possess this certificate do not have to apply to EPA directly. The one-day training course does not include respirator/personal protection training elements. The training/certification is good for five years, after which time the "certified renovator" must take a one-half day refresher course. EPA allows persons who have taken the deleader-supervisor and deleader-worker courses to take a one-half day upgrade/refresher course to upgrade to "certified renovator" status.

DLS: DLS requires essentially the same one-day training course for certified "Lead-Safe Renovator-Supervisors" that EPA requires for "certified renovators" except that the DLS-required course includes respirator/personal protection training elements. Where the training is given in Massachusetts, the course must be given by a Massachusetts-licensed training provider. As is the case with EPA, possession of the training certificate, which includes a digital image of the trainee constitutes the certification - persons who possess this certificate do not have to apply to DLS directly. The training/certification is valid for five years, after which time the "Lead-Safe Renovator-Supervisor" must take a one-half day refresher course. DLS also allows persons who have taken the deleader-supervisor and deleader-worker courses to take a one-half day upgrade/refresher course to upgrade to "Lead-Safe Renovator-Supervisor" status. DLS also requires training providers to include "Lead-Safe Renovator-Supervisor" training elements in four-day training courses required for "Deleader-Supervisors" given after July 9, 2010, and DLS will therefore allow "Deleader-Supervisors" to function as "Lead-Safe Renovator-Supervisors" on renovation worksites after they have completed this training.

VI. Certification and Licensing Reciprocity between EPA and DLS

EPA: Firms or entities that have been licensed as "Lead-Safe Renovation Contractors" by DLS in Massachusetts must become certified with EPA as "certified firms" in order to carry out Lead-Safe Renovation work in states where EPA is running the LSR program. EPA allows individuals who have been trained/certified as "Lead-Safe Renovator-Supervisors" in Massachusetts to act as supervisors and perform the functions of "Certified Renovators" on LSR projects in other states where EPA is running the program without needing to obtain separate EPA certification as "certified renovators."

DLS: DLS allows firms that were certified with EPA as "Certified Firms" prior to July 9, 2010 to perform LSR work in Massachusetts without becoming licensed by DLS as a "Lead-Safe Renovation Contractor," provided that they have received a "Contractor Licensing Waiver" from DLS - there is no fee for this waiver. The "Contractor Licensing Waiver" application is on the DLS website. Contractors that apply for EPA certification after July 9, 2010 are required to pay the licensing fee and become licensed as "Lead-Safe Renovation Contractors" with DLS. DLS will allow "Certified Renovators" that have received training from EPA-approved training providers to perform the functions of "Lead-Safe Renovator-Supervisors in Massachusetts without further training or licensure.

VII. License/Certification Fees for Providers of LSR Training

EPA: EPA issues a four-year certification to lead training providers. Certification fees, which are assessed on a per-course basis, range between \$400 and \$870 per course. The charge for certification to give to the initial "Certified Renovator" training course is \$560, and the charge to give the refresher course is \$400. The charge for renewing the certification in either discipline is \$340. The training provider certification fee is waived for providers who are state and local governments, federally recognized Indian Tribes and non-profit organizations.

DLS: DLS issues a one-year license to lead training providers and charges a flat licensing fee of \$1775, regardless of the number of lead training course disciplines in which the trainer is seeking approval to provide training. DLS has the same licensing fee waiver as EPA for training providers who offer only RRP training and are state and local governments, federally recognized Indian Tribes and non-profit organizations.

VIII. Work practice requirements

EPA: The set of work practice requirements specified by EPA's LSR Rule is a somewhat relaxed version of the work practices currently required for deleading projects. As opposed to what is required for deleading projects, units undergoing renovation are not required to be unoccupied while the work is in progress; it is only required that persons be excluded from the work area, which must be isolated from the rest of the dwelling or child-occupied facility by appropriate means. Plastic sheeting, which must be disposed after each use, must be used to cover floors and other surfaces on building interiors and plants and ground on exteriors. EPA specifies the use of a "cleaning verification" procedure, which is carried out by the on-site "Certified Renovator" to determine if interior work areas have been adequately decontaminated. Under this procedure, the color of a wiping cloth, that is used to wipe down the work area following the final cleaning, is compared to the color of a standard "cleaning verification card" issued by EPA. If the color of the wiping cloth is the same shade as (or lighter than) the cleaning verification card, the area "passes." Dust-wipe clearance, as is used to clear deleading projects, may also be used to "clear" LSR projects.

DLS: DLS' work practice requirements for lead-safe renovation work are almost identical to those required by EPA, except that DLS allows the use of tarpaulins to cover plants and ground on exterior projects, provided that the tarpaulins are thoroughly decontaminated after each use and not subsequently used for any interior work in target housing and child-occupied facilities.